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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

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)
) IB Docket No. 95-59
) DA 91-577
) 45-DSS-MISC-93

Sony believes that the new digital state-of-the-art technology, which is incorporated in these products, provides the viewing public with a high quality alternative to cable, off-the-air or other satellite system providers, by expanding consumer programming choices and by providing superior CD audio and laser disc quality video that is not available from these other sources. As a result, Sony is in full agreement with the Commission's intent to facilitate the introduction of new digital

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technology by its amendment of the preemption regulations relating to satellite antenna installations.

As the Commission found, and as other commenting parties in related proceedings have amply demonstrated, a variety of local zoning restrictions in different areas across the country have inhibited access to satellite services for a significant number of users. Such regulations offer the potential to encroach upon the strong federal interest in widespread access to satellite communications and, thus, should not be permitted to prevail over this interest except for very specific instances when such regulations can satisfy the high standard set forth in the Commission's proposal.

Sony submits that the federal interest in access to satellite communications is even more compelling with respect to consumer access to service by Direct Broadcast Satellite ("DBS") systems. As the Commission has noted in other proceedings, DBS provides a competitive alternative to cable television.^{1/} Thus, access to DBS service will help keep cable rates in check and will provide viewers with an expanded list of programming choices.

^{1/} See, e.g., Annual Assessment of the Status of Competition in the Market for the Delivery of Video Programming, 9 FCC Rcd. 7442, 7474 (1994) ("Since 1990, DBS has advanced as a potential long-term viable competitor to cable.")

Because of the higher power levels used by DBS satellites, DBS receive antennas are much smaller than the typical satellite receive-only antennas, which are considerably larger than 24 inches in diameter; DBS receive antennas are two feet or less in diameter. Antennas of this size obviously are much less intrusive from an aesthetic perspective than so-called "backyard dishes." Moreover, small antennas are of lower weight. Accordingly, they are far more suitable for home installation by consumers themselves. As a consequence, the health and safety issues presented thereby are far less than for larger antennas. Thus, Sony believes that the local governmental interest in regulations which apply to such antennas is correspondingly less as well.

Because of the important federal interest in nationwide access to DBS service as a competitive alternative to cable television, and in view of the minimally intrusive nature of the small antennas necessary to support that service, Sony supports the Commission's proposal to adopt a presumption of unreasonableness for small receive-only satellite antennas.

However, Sony believes that a slight modification of the Commission's proposal may be in order with regard to the Commission's size specification for small antennas.

The Commission has proposed to adopt a presumption of unreasonableness for "a satellite receive-only antenna that is one meter or less in diameter in any area." NPRM at ¶ 46(b)(2). However, a one meter dish is larger than is necessary for DBS operation -- which typically requires a receive antenna with a diameter of two feet or less. Sony submits that, with respect to antennas larger than the 24 inch size that is necessary to support DBS operation, the same strong federal interest is not present. Accordingly, Sony believes that the size specified in ¶ 46(b)(2) should be changed from one meter to 24 inches.

Because of the need to support the growth of DBS as a competitive alternative to cable television, Sony also supports the proposal made by the National Association of Broadcasters ("NAB") and DIRECTV in related proceedings that the Commission expand the scope of its preemption to include antennas for home television reception.

At the present time, DBS providers are not permitted to provide the broadcast television signals of the four major networks (ABC, CBS, NBC, and Fox) to consumers who otherwise are able to receive those signals over-the-air. As a consequence, urban consumers who subscribe to DBS service are required to utilize an off-air antenna, or cable television, in order to receive local broadcast stations. If they are unable to receive such stations over-the-air through an antenna, they may be forced

to subscribe to cable television in order to obtain such access, thus defeating one of the main purposes of DBS -- to provide a competitive alternative to cable.

Presumptive preemption of local regulations restricting outside antennas used for reception of television broadcast signals would facilitate the growth of the DBS industry by ensuring that DBS subscribers have a ready mechanism by which to obtain access to the signals of local broadcast stations. Accordingly, Sony urges the Commission to extend the scope of its preemption order to cover such antennas.

Respectfully submitted,

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